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PATENT

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Attorney Docket No. 5725.0868

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Jean-Christophe HENRION et al.

Application No.: 09/810,628

Filed: March 19, 2001

For: COSMETIC COMPOSITION
COMPRISING AT LEAST ONE
INGREDIENT CHOSEN FROM
COMPOUNDS OF FORMULA (I)
AND SALTS THEREOF, USE
THEREOF AS COLOURING
AGENT, AND NOVEL
COMPOUNDS OF FORMULAE
(IIa), (IIIa), (IVa), (Va), AND (VIa),
AND SALTS THEREOF

Group Art Unit: 1615

Examiner: Unassigned

Charles Hall, Office of Publications
P/OPPD

Bldg. PK3, Room 09-B910

6

Commissioner for Patents
Washington, DC 20231

Sir:

**REQUEST FOR CORRECTED PATENT APPLICATION
PUBLICATION UNDER 37 C.F.R. § 1.221(b)**

On January 31, 2002, the Office published the above-identified application No.: 09/810,628 as Publication No.: US 2002/0012683 A1. The published application contains mistakes that may be material and that are the fault of the Office. Attached hereto is a copy of each relevant page of the originally filed application and a marked-up copy of the corresponding page of the published application containing the mistakes.

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A mistake is material when it affects the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. See 37 C.F.R. § 1.221(b).

The mistakes, which are indicated in red ink on the relevant pages of the marked-up copy of the published application attached hereto, are as follows:

1. In line 1 of paragraph 0013, the published application recites "at least", where it should recite "at least one". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

2. In line 1 of paragraph 0079, the published application recites "5-hexyloxydinaphtho(1,2-b:2',3'-d)", where it should recite "5-hexyloxydinaphtho(1,2-b:2',3'-d)". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

3. In formula (VIa) of paragraph 0094, the published application recites "R₃₃", "R₃₄", and "R₃₅", where it should recite "R₃₃", "R₃₄", and "R₃₅". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that

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Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

4. In line 1 of paragraph 0111, the published application recites "in which R5=NO₂", where it should recite "in which R5=NO₂". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

5. In line 1 of paragraph 0114, the published application recites "in which R8 NH₂". The error is the omission of "=" between "R8" and "NH₂". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

6. In line 1 of paragraph 0117, the published application recites "of formula (IIa)", where it should recite "of formula (IIIa)". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

7. In line 1 of paragraph 0118, the published application recites "R8=p-tolysulphon-amido", where it should recite "R8=p-tolylsulphon-amido". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical

disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

8. In lines 3 to 4 of paragraph 0123, the published application recites "-CON H-(2'(3'-methoxypyridyl)), and -CON H-(4'-methoxyphenyl)," where it should recite "-CONH-(2'(3'-methoxypyridyl)), and -CONH-(4'-methoxyphenyl)". These mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

9. In line 1 of paragraph 0124, the published application recites "of formula (IIa)", where it should recite "of formula (IIIa)". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

10. In line 6 of paragraph 0128, the published application recites "4-methoxyl-naphthol", where it should recite "4-methoxy-1-naphthol". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

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11. In line 2 of paragraph 0180, the published application recites "calorimeter,". The error is the misspelling of the word "calorimeter". The word "calorimeter" should be corrected to read "colorimeter". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

12. In line 2 of paragraph 0186, the published application recites "a calorimeter,". The error is the misspelling of the word "calorimeter". The word "calorimeter" should be corrected to read "colorimeter". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

13. In line 5 of paragraph 0186, the published application recites the formula:

$$" \Delta E^* = \sqrt{(\Delta L)^2 + (\Delta a)^2 + (\Delta b)^2} "$$

where it should recite:

$$" \Delta E^* = \sqrt{(\Delta L)^2 + (\Delta a)^2 + (\Delta b)^2} "$$

This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of

the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

14. In line 1 of paragraph 0187, the published application recites "The covering power Δ^E corresponds to the calorimetric", where it should recite "The covering power ΔE corresponds to the colorimetric". These two mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

15. In line 1 of paragraph 0200, the published application recites "measuring range: 50 to 300 (fixed sample)", where it should recite "measuring range: 5° to 30° (fixed sample)". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

16. In lines 4 to 5 of paragraph 0208, the published application recites "Preparation of 5-chlorodinaphtho-(1,2-b:2',340-d)furan-7,12-dione" where it should recite "Preparation of 5-chlorodinaphtho-(1,2-b:2',3'-d)furan-7,12-dione". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

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17. In line 2 of paragraph 0217, the published application recites "ANGLE 28 (°)", where it should recite "ANGLE 2θ(°)". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

18. In line 1 of paragraph 0226, the published application recites "34.05 (0.15 mol)". The error is the omission of "g" after "34.05" and before "(0.15 mol)". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

19. In lines 4 to 5 of paragraph 226, the published application recites "mixture was heated at 8°C. for 15 hours", where it should recite "mixture was heated at 80°C. for 15 hours". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

20. In lines 1 to 2 of paragraph 0227, the published application recites "of 2-methoxydinaphtho-(2,1b:2',3'-d)furan-8,13-dione". The error is the omission of "-" between "1" and "b". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine

the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

21. In line 2 of paragraph 0233, the published application recites "ANGLE 28 (°)", where it should recite "ANGLE 2θ(°)". Also, the last line of paragraph 0233, recites "3-bromodinaphtho(2/1-b:-2',3'-d)furan-8,13-dione". The error is the use of "/" instead of "," between "(2" and "1-b". These mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, these mistakes are material and accordingly should be corrected.

22. In line 1 of paragraph 0236, the published application recites "40.35 9", where it should recite "40.35 g". This mistake is material as it may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

23. In line 2 of paragraph 0250, the published application recites "ANGLE 28 (°)", where it should recite "ANGLE 2θ(°)". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

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24. In line 5 of paragraph 264, the published application recites "dione)(3,4b)". The error is the omission of "-" between "4" and "b". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reasons, these mistakes are material and accordingly should be corrected.

25. In line 40 of paragraph 0277, the published application recites "5-Ethoxydinaphtho(1,2-b:,3'-d)furan-7,12-dione" where it should recite "5-Ethoxydinaphtho(1,2-b:2',3'-d)furan-7,12-dione", and in line 50, the published application recites "For 5-hexyloxydinaphtho(1,2-b:2'3'd)furan-7,12-dione" where it should recite "For 5-hexyloxydinaphtho(1,2-b:2',3'-d)furan-7,12-dione". These mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reasons, these mistakes are material and accordingly should be corrected.

26. In line 5 of paragraph 292, the published application recites "The reaction mixture was cooled to 1°". The error is the omission of "0" after the "1", i.e., it should read "10°". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, these mistakes are material and accordingly should be corrected.

27. In claim 15, line 2, the published application recites "of formula (i)", where it should recite "of formula (I)". This mistake may create an ambiguity, affecting the

public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

28. In claim 15, line 5, the published application recites "3-hydroxydinaphtho(1,2-b:2',3'-d)furan-7,12-dione", where it should recite "3-hydroxydinaphtho(1,2-b:2',3'-d)furan-7,12-dione". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

29. In claim 25, line 1, the published application recites "for body skin lips or" where it should recite "for body, skin, lips, or". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

30. In claim 27, lines 4 to 5, the published application recites "a face power, an eyeshadow, a free powder, a compact power," where it should recite "a face powder, an eyeshadow, a free powder, a compact powder,". These two mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

31. In claim 39, lines 3 to 4, the published application recites "a face power, an eyeshadow, a free powder, a compact power", where it should recite "a face powder, an eyeshadow, a free powder, a compact powder". These two mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

32. In formula (VIa) of claim 45, the published application recites "R₃₃", "R₃₄", "R₃₅", where it should recite "R33", "R34", "R35". These mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

33. In claim 45, line 116, the published application recites "in which R₁is chosen". The error is the omission of a space between "R₁" and "is". This mistake may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

34. In claim 45, lines 117 to 118, the published application recites "-CON H-(2'-thiazolyl)" where it should recite "-CON H-(2'-thiazolyl)," Also lines 120 to 123 recite "-CON H -(4'-cyanophenyl), -CON H-(2'(3'-methoxypyridl)), and -CON H-(4'-methoxyphenyl)," where it should recite "-CONH-(2'-thiazolyl)" -CON H-(4'-

cyanophenyl), -CON H-(2'(3'-methoxypyridl)), and -CON H-(4'-methoxyphenyl),".

These mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

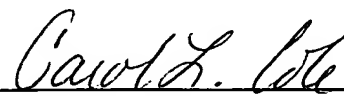
35. In claim 46, lines 11-14, the published application recites "b)naphto(2',3'-d)fu ran-5, 14-dione, 3-m6thoxy-dinaphto(2,1-b:2',3'-d)furan-8,13-dione, and naphto(2,3,-b)-5-azo-phenanthro(3',4'-d)furan" where it should recite "b)naphtho(2',3'-d)furan-5,14-dione, 3-methoxy-dinaphtho(2,1-b:2',3'-d)furan-8,13-dione, and naphtho(2,3,-b)-5-azo-phenanthro(3',4'-d)furan". These multiple mistakes may create an ambiguity, affecting the public's ability to appreciate the technical disclosure of the patent application publication or determine the scope of the provisional rights that Applicants may later seek to enforce. For at least this reason, this mistake is material and accordingly should be corrected.

Applicants believe that no Petition or fee is due in connection with the Request. However if any Petition or fee is due, please grant the petition and charge the fee to our Deposit account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: March 29, 2002

By: 
Carol L. Cole
Reg. No. 43,555

Doc. # 309500.1

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